

REMARKS

This application has been amended to add the cross-reference to related applications.

The claims of the International application have been amended to correct formalities. Multiply dependent claims that were dependent upon another multiple dependent claims have been rewritten. This amendment is not intended to change the scope of the claims.

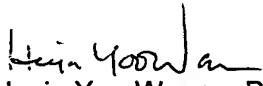
The Sequence Listing has been amended to add the names of the applicants and the serial number of the PCT application to be consistent with the practice of the US patent law.

None of the amendments made herein constitutes the addition of new matter.

CONCLUSION

It is believed that no fee is due with the submission of this Preliminary Amendment. However, if this is incorrect, please charge the required fee to Deposit Account No. 07-1969.

Respectfully submitted,


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Attorney docket No. 37-02
nnr: March 25, 2002

U.S. Serial No.: not assigned
Amended Specification - Marked-up version showing changes made.

In the Specification:

Please insert the following on page 1 under the title of the invention.

CROSS REFERENCE TO RELATED APPLICATIONS

This application is a National Stage Application of PCT International Application No. PCT/AU00/01183, filed September 22, 2000, which claims priority from Australian Patent Application No. PQ3049, filed September 24, 1999, both of which are incorporated herein, by reference, in their entirety.

U.S. Serial No.: not assigned

Amended Claim - Marked-up version showing changes made.

In the Claims:

5. (Once amended) The method according to any one of claims 1 to 3 [4] wherein the phytase polypeptide has at least about 93% identity to SEQ ID NO: 2.
15. (Once amended) The method according to any one of claims 11, 12 and [to] 14 wherein the phytase polypeptide is from *Aspergillus niger*.
16. (Once amended) The method according to [any one of] claim[s] 11 or 12 [to 15] wherein the phytase polypeptide has at least about 93% identity to SEQ ID NO: 2.
23. (Once amended) The method according to any one of claims 11, 12, 20, and 21 [to 22] when used to enhance the phosphorus nutrition of a plant or the growth of a plant on a phosphorus source comprising phytate and/or increase the phosphorus content of a plant.
24. (Once amended) The method according to any one of claims 11, 12, 20, and 21 [to 22] when used to enhance the biomass produced by a plant.
25. (Once amended) The method according to any one of claims 11, 12, 20, and 21 [to 22] when used to enhance the rate of hypocotyl production or the rate of epicotyl production.
39. (Once amended) The process according to [any one of] claim[s] 34 or 35 [to 38] wherein the phytase polypeptide is from *Aspergillus niger*.
40. (Once amended) The process according to [any one of] claim[s] 34 or 35 [to 39] wherein the phytase polypeptide has at least about 93% identity to SEQ ID NO: 2.
47. (Once amended) The gene construct of claim 46 comprises the *PhyA-2* [chimeric] gene sequence set forth in SEQ ID NO:1.

U.S. Serial No.: not assigned
Amended Sequence Listing - Marked-up version showing changes made.

In the Sequence Listing:

Please replace the information under the numerical heading of <110> with the following:

[Commonwealth Scientific and Industrial Research organization and Australian Wool Research and Promotion Organization] Richardson, Alan E., Hayes, Julie E., and Simpson, Richard J.

Please replace the information under the numerical heading of <140> with the following.

[PCT/AU00/XXXXX] PCT/AU00/01183